

LYH/15.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN LONG and LUDVIC PRESTO,

Plaintiffs,

- against -

MARUBENI AMERICA CORPORATION;
KAZUHIKO SAKAMOTO in his official and
individual capacities; MASAMI SAITO in his
official and individual capacities; JOE VAN
DORN in his official and individual capacities;
and SHIGEMASA SONOBE in his official and
individual capacities,

Defendants.

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DATE FILED: 2/27/06

Case No. 05-CV-0639 (GEL)

**STIPULATION TO GRANT PLAINTIFFS LEAVE
TO FILE THIRD AMENDED COMPLAINT**

The parties, by their respective undersigned counsel, hereby file this stipulated request that the Court grant Plaintiffs leave to file the Third Amended Complaint, which is attached herewith.

The parties further stipulate and agree that:

(1) the proposed Third Amended Complaint will be deemed filed with the Court and served upon all Defendants as of the date on which the Court enters the signed "So Ordered" Stipulation (the "entered date of this Stipulation");

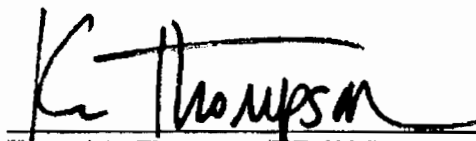
(2) the Defendants shall have 30 days to answer, move, or otherwise respond to the proposed Third Amended Complaint from the entered date of this Stipulation;

(3) if Defendant Marubeni America Corporation ("MAC") moves against the proposed Third Amended Complaint, its papers shall be served 30 days from the entered date of this Stipulation, opposition papers shall be served 30 days thereafter, and reply papers shall be served 3 weeks thereafter;

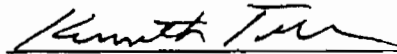
(4) the Thirteenth, Fourteenth and Fifteenth Causes of Action in the proposed Third Amended Complaint are alleged against and apply only to Defendant MAC, and are not alleged against and do not apply to Defendants Sakamoto, Saito, Sonobe, and Van Dorn;

(5) Defendant Joe Van Dorn's Motion to Dismiss the Fourth, Sixth, Seventh, Ninth and Tenth Causes of Action in Plaintiffs' Second Amended Complaint ("JVD's Motion to Dismiss") will be deemed to be filed and fully briefed in response to Plaintiffs' proposed Third Amended Complaint, such that Defendant Van Dorn need not file an Answer to Plaintiffs' proposed Third Amended Complaint until JVD's Motion to Dismiss is decided by the Court, pursuant to Federal Rule of Civil Procedure 12(a)(4).

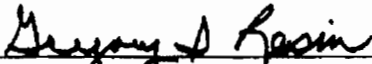
STIPULATED AND AGREED:

A handwritten signature in black ink, appearing to read "K Thompson", is written over a horizontal line.

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SO ORDERED, this 27th day of February, 2006.


Hon. Gerard E. Lynch, United States District Judge 